

MINUTES

271st Meeting Contractors' Registration and Licensing Board June 13, 2012

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:55 PM.

(B) Approval of the agenda and order of business was accepted on a motion by Mr. David Caldwell and seconded by Mr. Steve Gianlorenzo.

(C) The minutes of the 270th meeting were approved on a motion by Mr. William Nash and seconded by Mr. Steve Gianlorenzo.

(D) Court Case Update:

June 2012 - Court Ordered Restitution/Fines:

Contactor	Claim/File	Fines	Restitution	Complainant
Correia, D.	7495	- 1,917.71	Russi	
Peixoto, D.	7547	- 4,025	Marcello	
Medeiros, A.	4663	- 2,650	Donohue	
Medeiros, A.	4698	- 860	Correia	
Bartlett, J.	5638	- 1,325	Llamas	
Beverly, R.	7531	- 8,725	Couto	

Beverly, R. 7505 - 6,425 Maldonado

Beausoleil, B. 7069 - 2,750 Gizzarelli

Forte, J. 6394 500 1,605 Robinson

Varella. J. 7552 - 37,387.31 Britto

Totals: Fines: \$500 Restitution: \$67,670.02

TOTAL: \$ 68,170.02

(E) Review of Pending Issues with the Building Officials Association

1.) The Building Officials were represented by Mr. Chuck Phelps and concerns were expressed in regard to several issues:

- Education: It was explained that the Board is in the process of developing criteria to require pre-registration courses be taken before issuing a registration. This will include core course which will be developed that would have to be taken before a registration could be issued. Additionally, all contractors will have to have five hours of instruction before renewal inclusive of some core classes.**
- Lead: Enforcement is being conducted by the Department of Health and the Board is working with the agency to assure compliance and work performed by registered contractors. Request was made by**

Chuck that maybe this element be added to the core course or other coursed regarding state regulations and OSHA requirements.

(F) Consideration of Cases on Appeal and Oral Argument:

1.) 12:40 PM, Claim # 7346, Registration #15199, Roland Fiore, South County Sand and Gravel, exceptions filed by the Claimant, Louis Ricci, and the Respondent. The Respondent never received notification for the hearing but agreed to get up to the meeting as soon as possible. This matter was delayed for about 45 minutes and Mr. Fiore was able to attend the appeal. The Chairman of the Board informed the Claimant and legal counsel of his concern that the Respondent was a member of the Board of Directors of the Builders Association and that several of the members involved in making the decision were also members and wanted to make sure that if they felt there was going to be a conflict that the matter could be sent to court. Parties agreed that the Board would be fair and could hear this matter. The Board heard this matter around 1:30 PM and the Claimant represented by legal counsel John D'Amico Jr. presented exceptions to the proposed order issued by the hearing officer. His concerns were for some clarification of the order, the use of the \$2,000.00 fund that was held in escrow and the status of the other claim filed with the Board. Concerns as to the progress of the secondary claim #7544 were discussed and the Board asked the investigator Mike Lanni to testify in regard to this status and the pending issues on the original claim. Mr. Lanni briefly informed the Board that he was considering

moving the matter to court in that the issues involved seemed better suited for that forum. Both parties presented their concerns and Mr. Fiore explained that all the items requested by the investigator had been resolved. The Board was very concerned as to why the hearing officer was using the escrowed funds to pay for the claimants inconveniences and how he came to the amount awarded. After both sides presented their case and the Board discussed issues, the parties on the advice of the chair left the room for possible settlement. After spending time trying to negotiate the matter both parties agreed to a settlement which will be put in the form of a consent agreement which will be drafted by the Claimants legal counsel. The agreement was presented to the Board by the parties and a motion was made by Felix Carlone and seconded by Edgar Ladouceur to go forward with the consent agreement which would be to release the funds held to the homeowner in the amount of \$2,000.00 and the Respondent will pay the homeowner Mr. Ricci the amount of \$1,000.00. The conditions set forth would be that both claims filed with the Board will be removed and if the payment isn't forthcoming then the original terms would prevail. Motion carried unanimously.

EXPUNGEMENTS:

1.) 1:00 PM, Registration #6370, David Ashworth request to expunge claim #1668 and claim #1857. Mr. Ashworth presented his case and the Board review documentation provided and asked questions

regarding claims to Mr. Ashworth. Upon review a motion was made by Tom Furey and second by Dave Caldwell to expunge both claims. The chair called for the vote and motion passed with two negative votes from Edgar Ladouceur and Arthur Salisbury.

(G) Report of the Executive Director and Staff:

(1) Statistics Report: 06/13//2012

Registrations:

Number of Registered Contractors	11470
Number of Cards Surrendered	5840
Number of Cards Expired/Lapsed	16549
Number of Cards Invalidated	1125
Number of Cards Suspended	494
Number of Cards Revoked	102

Registration Actions

05/09/2012-06/13/2012

Number of New Registered Contractors	116
Number of Renewed Contractors	11354
Number of Cards Surrendered	74
Registrations Invalidated	33
Registrations Suspended	2
Registrations Revoked	0

Claims:

Administrative Appeals	5	
Board Appeals	1	
Address Trace	88	
Awaiting Further Action	31	
	Court	
	626	
Disposed		6377
Final Orders	47	
Hearings	25	
Out of State Services	12	Proposed Orders 111
Under Investigation		79

Total Claims Filed with the Board 7393

Number of New Claims Processed 9

05/09/2012-06/13/2012

Violations:

Action Against Registration 31

Advertising 2

Non-Registered Subcontractors

19

Cancelled Insurance 1003

Notice of Hearing 4
Non-Registered Contractor
819

TOTAL RECORDS 1878

Number of New Violations 2
05/09/2012-06/13/2012

Lapsed Registrations/Never Re-Newed:

May	2011
75	
June	2011
86	
July	2011
55	
August	2011
77	
September	2011
98	
October	2011
74	
November	2011
83	
December	2011

85

January

2012

68

February

2012

73

March

2012

116

April

2012

196

May

2012

235

Month

Tickets Issued

Fines

2011

June

3

\$1,500.00

July

5

\$2,000.00

August

0

\$ 00.00

September

1

\$250

October

2

\$750

November

5

\$2,250.00

December

0

\$00.00

2012

January

0

\$00.00

February

1

\$50.00

March

2

\$200.00

April

0

\$000.00

May

0

\$00.00

Commercial Roofers: 06/13/2012

Number registered 136

Number surrendered 18

Number invalidated 61

Number suspended 1

Number revoked 0

Pending approval 0

Registration Actions;

05/09/2012-06/13/2012

Number of New Registered Contractors	0
Number of Renewed Roofer Contractors	136
Number of Cards Surrendered	18
Number of Expired/Lapsed	61
Registrations Invalidated	1
Registrations Suspended	0
Registrations Revoked	0

(H) Old Business:

(1.) Review of regulations, laws and standards, established by sub-committee, report of committees and progress. No meetings have been held yet on this matter but have made some progress.

(I) New Business:

(1.) Budget: Funds need to be utilized to purchase two new card machines

will be expended soon to purchase the new software to be ready for picture

identification cards; this will need to take place soon so we are able to

implement the Home Inspectors and Commercial Roofers Licensing

requirements and new licensing law that are currently

pending.

(2.) Computer Software Program Update on Progress (DBR), CAVU; Board

has been proceeding and making progress. Projected date because of data

transfers may be later than expected in that we are phase III.

(3.) Retention Schedule; Legal counsel discussed with the Board some possible

modifications to the schedule which will be given more consideration in

the near future with the changes to the rules and regulations.

Approval

granted to destroy records of registrants who have not been active in ten

years.

(4.) The Board was advised that the three positions that have been pending

have been processed two have been filled and one is awaiting selection.

Hopefully the last position will be filled by mid July, 2012.

(5.) Legislation; Home Inspector legislation H-7407 in the Senate was held

for further study and never reached the floor for passage.

New legislation

passed in the budget article was the licensing of well drillers which will

be effective on January 1, 2013. Other bills pending governor's approval

and review include H-8004 House Resolution to reinstate the Special

House Commission to examine the issue of Licensing Builders and

Contractors, S-2341 & H-7995 act related to businesses and professions

expanding powers of Board.

(6.) Education: Staff has been working with the Rhode Island

Builders Association in developing criteria for continuing education as

well as possible classes which is almost ready for discussion with the

subcommittee and being prepared for public hearing.

A meeting will need

to be scheduled soon to discuss this matter with the

subcommittee. David Arneson, president of Titanium Education Solutions

was going to fly in from CA to discuss his program with the Board but has

put this off at this time and hopes to address the Board in the near future.

NASCLA is also working on education standards and would serve as a clearing house hopefully by mid summer.

(7.) NASCLA: Meeting of Board of Directors celebrating 50 years of excellence in regulation will be in Bend OR September 30th to October 4th 2012.

(8.) Request for Proposal: The Board, working with the Department of Labor, was included in an RFP to seek testing companies to provide the RICRLB with an avenue to test Home Inspectors and Commercial Roofers. Matter is still pending. This will have to be soon in order to implement new well drillers license requirement.

(9.) Board discussed next meeting in July and many members were not going to be able to attend the meeting. A motion was made by Edgar Ladouceur

seconded by Bill Nash to cancel the July meeting. Motion passed unanimously.

(J) Public Comment: None

(K) Announcements: The next Board meeting is scheduled for Wednesday

August 08, 2012 at 12:30 PM Conference Room "A", 2nd Floor, One Capitol Hill, Providence, Rhode Island.

(L) Adjournment: A motion was made by Mr. Edgar Ladouceur and seconded by Mr.

Steve Gianlorenzo at 2:55 PM.

Members Present: W. Nash, David Caldwell, Martin Ezeama, William

Geddes, Felix Carlone, S.Gianlorenzo, J. Lawrence

Brillon, R. Cardoza, A. Salibury, T. Furey, Paul Brunetti and E.Ladouceur.

**Members Absent: E. Anderson, who resigned from the Board,
R.Caniglia and Steven
Carlino.**

**Others Present: George Whalen (Executive Director), Christy
Hetherington (Attorney
Generals Office, legal counsel), stenographer,
staff and parties for
motions and expungements.**

Respectfully Submitted,

**George W. Whalen
Executive Director
Rhode Island Contractors' Registration and Licensing Board**